

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

GREAT NORTHERN INSURANCE COMPANY  
as Subrogee of Jon and Abby Winkelried  
Plaintiff

vs.

FERGUSON & SHAMAMIAN ARCHITECTS, LLP

and

W.B. MARDEN, COMPANY

Defendants

CIVIL ACTION NO:  
05cv10165 RGS

**JOINT SCHEDULING CONFERENCE STATEMENT**

The parties, through their undersigned counsel, hereby submit the following Joint Scheduling Conference Statement pursuant to this Court's Notice of Scheduling Conference dated April 4, 2005, and pursuant to Local Rule 16.1

**I. Nature of the Action**

This is an action for property damage and other losses alleged to have been sustained by plaintiff's insureds, Jon and Abbey Winkelried, homeowners who as a result of a water pipe fracture sustained significant water and related damages to their property located at 15 Cathcart Road, Nantucket, Massachusetts on or about January 19, 2004. This is a diversity action pursuant to 28 USC § 1332. Plaintiff seeks damages in excess of \$800,000, upon allegations of negligence and breach of warranty.

**II. Discovery Plan**

Pursuant to FRCP 26(f) on Thursday, May 5, 2005, all counsel discussed in good faith a discovery plan to govern the conduct of this case. The parties suggest the following schedule:

- 1) All written discovery to be served no later than May 20, 2005;
- 2) All responses to written discovery to be served no later than June 30, 2005;
- 3) All fact discovery to be completed no later than October 28, 2005;
- 4) All dispositive motions to be filed no later than December 15, 2005;
- 5) Plaintiffs' expert reports (in compliance with FRCP 26(a)(2)) to be served no later than November 30, 2005;
- 6) Defense expert reports (in compliance with FRCP 26(a)(2)) to be served no later than December 30, 2005;
- 7) All discovery to be completed no later than December 30, 2005; and
- 8) Early settlement conference to occur no later than October 28, 2005, with such additional conferences as are deemed advisable by the Court or by the request of the parties.


All parties have agreed in good faith on the referenced deadlines.

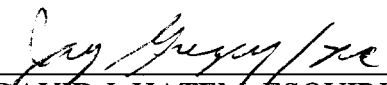
### III. Settlement

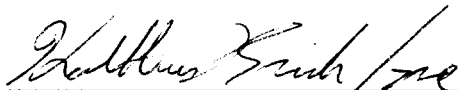
Plaintiff has presented written settlement demands to the defendants in compliance with Local Rule 16.1 and this Court's Notice of Scheduling Conference dated April 4, 2005. Defendants have represented that they are not in a position to consider settlement until written and oral discovery has taken place. The parties have agreed in concept to an early settlement conference to explore early resolution of the matter.

The undersigned counsel certify that they are authorized to affirm on behalf of their clients that they have conferred with their clients with a view to establishing a budget for the cost of conducting the full course - and various alternative courses - of the litigation; and have considered the resolution of the litigation through the use of alternative dispute resolution programs, including an early settlement conference.

Respectfully submitted,

  
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Dated: 5-13-05